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MEMO ENCLOSED

May 22, 2008

VIA FACSIMILE

Honorable Charles L. Bricant
United States District Judge
United States District Court for the
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: John E. Andrus Memorial, Inc. (d/b/a Andrus on Hudson) v. Daines
07-CV-3432 (CLB) (KNF)

Planned for 10:00 AM - 12:00
on June 25, 2008 and 9:30 AM -
12:00 on June 26, 2008
SOLICITED

Charles L. Bricant
USA

Dear Judge Bricant:

As Your Honor is aware, we represent the plaintiff John E. Andrus Memorial, Inc. (the "Andrus") in the above-referenced action. At the Court's direction and after conferring with Assistant Attorney General Gasior, I write to advise that the parties are available, and counsel have agreed on June 25 and June 26, 2008 as dates for the hearing on the Andrus' pending motion for a preliminary injunction. The parties are prepared to proceed on those dates subject to the Court's availability and convenience.

We thank the Court for its attention to this matter.

Respectfully,

Brian T. McGovern

Brian T. McGovern

cc: John Peter Gasior, Esq. (via facsimile)

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